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MAY 19 1994

FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

May 19, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

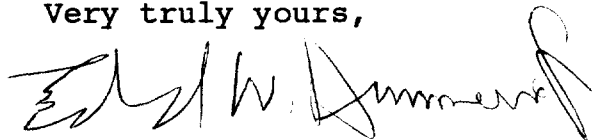
Re: MM Docket No. 94-34

Dear Mr. Caton:

Transmitted herewith on behalf of Waller Broadcasting, Inc., licensee of AM Station KEBE and FM Station KOOI, Jacksonville, Texas, are an original and four copies of its comments in MM Docket No. 94-34, Implementation of Commission's Equal Employment Opportunity Rules.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,



Edward W. Hummers, Jr.
Counsel for
Waller Broadcasting, Inc.

EWH/bi
Enclosure

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MAY 19 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of) MM Docket No. 94-34
Commission's Equal)
Employment Opportunity Rules)

COMMENTS OF WALLER BROADCASTING, INC.

Waller Broadcasting, Inc. (WBI), continues to believe in and support the purposes of the Commission's EEO rules. WBI does, however, respectfully request reconsideration of the procedure in which the **Policy Statement** was adopted, some of its provisions, and the retroactive enforcement of standards on broadcasters who did not have notice of the new standards.

1. WBI believes it unfair that the Commission has imposed unprecedented forfeitures and conditional renewals for failure to abide by guidelines that were never previously announced and never subjected to notice and comment and judicial review. WBI also urges the Commission to more carefully establish "standing" of parties filing petitions to deny and to dismiss petitions filed by parties without standing.

2. WBI similarly finds it difficult to understand how the Commission can issue **Notice of Apparent Liability** for unprecedented forfeitures and short term renewal on a

licensee that maintained an affirmative recruiting program and hired at 50% of parity during the license period. WBI is also troubled that guidelines that historically emphasized parity in hiring have been switched, without notice, to record keeping. What broadcasters need most is guidelines and policies that are clearly defined and reliable. While WBI clearly understands and supports the purpose of the Commission's EEO policies, our biggest problem of compliance is that the policies and guidelines of the Commission are not clearly defined and are therefore difficult to understand.

3. WBI also feels the Commission Policy Statement misses an important opportunity in its failure to reward licensees who have established programs and initiatives that go beyond the basic requirements of the Commission's EEO rules. WBI, licensee of KOOI and KEBE in Jacksonville, is especially pleased at the substance of initiatives undertaken by these stations and their effectiveness even though this spirit of going the extra mile is apparently not appreciated or even recognized by the Commission. Examples of these initiatives by KOOI and KEBE include:

(a) **Intern Program.** KOOI and KEBE provide employment for high school and college students, at never less than minimum, and often considerably more than minimum wage, in an intern program that has been in continuous operation

since 1958. Most of the students in this program receive course credits, and there are seldom less than two students in employment for all 12 months of the year. Dozens of students have interned in this program, most are minorities, and most have been encouraged to pursue a career in broadcasting and accept a permanent position with the stations following the intern employment. Many have become career broadcasters. Typical of those now having success in other fields are a number of educators, a computer scientist, medical doctor, bank president, district attorney, congressional assistant and government worker. Without the training provided by KOOI and KEBE, these students would not have been qualified for employment. Without employment, it would not have been possible for many of them to complete their schooling and receive their degrees.

(b) **Explorer Scout Post.** This program was organized by KOOI and KEBE in 1967 and successfully attracted students interested in broadcasting. Instruction and training in various areas of broadcasting were provided by members of the station staff, utilizing station equipment, in weekly meetings held in station facilities. These meetings continued for 8 years through 1985 when the Adult Leader of the Post left the employment of the stations. At one time, the membership was composed at 12 Blacks,

1 Hispanic and 1 Asian. Many of these students became employees of the stations.

(c) **On Site Writing Courses.** KOOI and KEBE provided voluntary group and private instruction in writing by a Professor of English at Lon Morris College. The instructor came to the station every day for more than two years to provide convenient, free training to assist staff members interested in improving their writing skills. This program helped create a lasting awareness of the importance of the quality of news and advertising copy prepared for station programming. It also helped employees qualify themselves for positions on the staff for which they would not otherwise have been eligible.

WBI stations are members of the National Association of Broadcasters (NAB), and join NAB in its request for reconsideration and clarification of the Commission's EEO rules in its petition to the Commission filed March 4, 1994.

WBI stations KOOI and KEBE have adopted careful and comprehensive EEO plans based on the Commission's preexisting standards. The EEO performance of KOOI and KEBE in both the past and current license terms reflect our sincere efforts to adhere to those standards. It is unfair to penalize such stations for failing to take actions which the Commission never specified would be required. Because

the sanctions proposed in the **Policy Statements** are substantial and the burden on unsuspecting licensees from retroactive application would be great, nevertheless, these stations have received Notice of Apparent Liability for \$31,250 and short term license renewal with reporting conditions.

Statements made herein should not be mistaken as less than continued commitment of WBI for total support of equal employment opportunity in broadcasting.

Respectfully submitted,

WALLER BROADCASTING, INC.
402 South Ragsdale Street
Jacksonville, Texas 75766
(903) 586-2527

A handwritten signature in black ink, appearing to read "Dudley Waller", written over a horizontal line.

Dudley Waller
President